



**Town of Surfside
Town Commission Meeting
MINUTES**

January 15, 2013

7 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:00 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Olchyk, Commissioner Kligman and Commissioner Graubart.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Kligman reminded everyone about the showing of the documentary “Bully” in the Community Center.

Commissioner Graubart wished everyone a Happy New Year and asked for a moment of silence for the victims of Sandy Hook Elementary School.

Commissioner Olchyk invited everyone to a meeting on February 7, 2013 at 7:30 pm at Temple Moses on 71st Street and it will be open to the community.

Mayor Dietch commended and thanked Jose Espinosa and Calvin Webb from the Parks & Receptions Department for an ocean rescue. Mayor Dietch thanked Bill Evans for his extraordinary service and contribution to the Town in the past few years. He also extended his condolences to Tim Milian who lost his nephew in an accident.

E. Agenda and Order of Business Additions, deletions and linkages

Commissioner Olchyk would like the minutes from the December 11, 2012 Town Commission meeting to reflect the content of the article that she read. She would like to state that she was very displeased with the Miami Dade County Officials as well as the Town personnel regarding how they handled the issue of the bus shelters.

Commissioner Graubart pulled item 1, page 22; item 23, page 35.

Commissioner Olchyk pulled item 5, page 4; item 6, page 24; item 12, page 26 and item 24, page 30.

Commissioner Kligman pulled item 10, page 25; item 37, page 34; item 41, page 35 and item 42, page 35.

Vice Mayor Karukin pulled the Budget to Actual item 3B, page 20.

Mayor Dietch pulled item 3D, page 2 of the agenda.

F. Community Notes – Mayor Daniel Dietch

Commissioner Graubart announced the Town events that will be taking place. These events can be found on the Town's website.

G. Present Commissioner Kligman with a Certificate of Completion from the Florida League of Cities for Completing the 2012 Advanced Institute for Elected Municipal Officials – Mayor Daniel Dietch

Mayor Dietch presented Commissioner Kligman with a Certificate of Completion from the Florida League of Cities for completing the 2012 Advanced Institute for Elected Municipal Officials.

H. Special Presentation – Mayor, Vice Mayor and Town Commissioners \$1.00 Annual Salary – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton presented the Mayor, Vice Mayor and Members of the Town Commission with their \$1.00 Annual Salary.

I. Special Presentation to Bill Evans Public Works Director – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton spoke very highly of Mr. Evans, Public Works Director, and expressed how proud he is of seeing him move up in the Public Administration world to the position of Assistant Manager of Sunny Isles Beach.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

Commissioner Kligman made a motion to approve the Consent Agenda minus the pulled items. The motion received a second from Vice Mayor Karukin and all voted in favor.

***A. Minutes - December 11, 2012 – Regular Commission Meeting**

B. Budget to Actual Summary as of October 31, 2012 – Donald Nelson, Finance Director

Vice Mayor Karukin would like to add the word "Reserves" in the report so that everyone could understand it. On the Resort Tax he would like to see the total revenue and then the distribution to the General Fund and TEDAC.

Vice Mayor Karukin asked how the accounting for the voluntary proffers from developers would be handled.

Town Manager Roger M. Carlton stated that all the voluntary proffers will be run through the Capital Improvement Fund and then the Town Commission will receive a report on those and it will be done every month as an extra page to the Budget to Actual Summary.

***C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager**

Item 1, Page 22 – Commissioner Graubart expressed his concerns about the parking facilities and believes that there should be a referendum regarding this.

Item 6, Page 24 – Commissioner Olchyk expressed her confusion with the beach concessions. She stated that she was designated to deal with Miami Dade County on this issue but she has not been invited to any meetings for the last six months. She stated that the Town was supposed to submit something for the Beach Management Agreement and she wants to understand if this is Surfside or Miami Dade County's responsibility. Town Manager Roger M. Carlton explained that for many years the County has been responsible for cleaning the beaches, the State of Florida

determined that for areas that they did not have a lease agreement with Miami Dade County they wanted to enter into an agreement. The lease with Miami Dade County was approved and this allows the County to enter into a Management Agreement with Surfside and that has to do with what type of concessions which can be put on the beach, if any. There has been no meeting to talk about the concessions agreement.

Item 10, Page 25 – Commissioner Kligman asked the Town Manager for an update regarding the FEMA Flood Insurance Status. Mayor Dietch asked if the item could be discussed along with Commissioner Graubart's item later on the agenda. Commissioner Kligman agreed.

Item 12, Page 26 – Commissioner Olchyk asked for some clarification regarding the Dog Park. Town Manager Roger Carlton explained that the pump station today is above ground and once all the work is done it will be underground. The contractor has agreed to prepare the site for the Town as a contribution to the community and the Town's expense will be within budget to put a fence, landscape, signage and everything that goes with that with a budget of \$12,000.

Vice Mayor stated that there is a lot of excitement and interest in the community about the dog park.

Item 24, Page 30 – Commissioner Olchyk asked how many people are anticipated to use the Electric Car Charging Station, if it will be cost effective and why is the Administration moving forward with this item. Town Manager Roger M. Carlton stated that the Administration has completed the research and as stated in the last sentence of page 30 of the Points of Light, the Administration needs direction from the Town Commission. Vice Mayor Karukin made a motion to discuss the item, the motion received a second from Commissioner Graubart. Vice Mayor Karukin stated that he was skeptical at the beginning but he understands that there will be more hotels and tourists around and their patrons may use the service. Duncan Tavares, TEDACS Director spoke more about this item.

Commissioner Kligman stated that she is looking forward to see this item in the agenda and commended the Mayor for bringing this item forward.

Commissioner Olchyk asked why they set priorities and then they go back and work on the ones that are not priorities. Town Manager Roger M. Carlton stated that the priority setting was for the items that the Town Commission would like him to focus on during his last three months of employment with the Town and that the rest of the items would still need to be taken care of in the future.

All voted in favor to move forward with the item.

Item 37, Page 34 – Commissioner Kligman stated that there has been discussion during the last few meetings about the Code Enforcement Priorities Workshop. There are concerns in the community and in her opinion it would be good for the Town to educate the public along with having code enforcement goal be a matter of compliance and not solely to generate revenues. She also spoke about the priorities of the Commission in regards to code enforcement are not yet clear.

Vice Mayor Karukin stated that he is in agreement with scheduling a workshop.

Mayor Dietch stated that the Town did not have a code enforcement program prior to Mr. Damian coming on board and for the last year and a half Mr. Damian has been doing triage and dealing with life safety issues that needed to be addressed and suggested to schedule a workshop as soon as possible so that they can give direction.

Vice Mayor Karukin agreed with scheduling a workshop as soon as possible. Commissioner Graubart stated that he was not in agreement with the Mayor's statement. He stated that the Town did have a Code Enforcement prior to Joe Damien, but the Town Commission did not stand behind the Code Compliance Officer.

Commissioner Olchyk spoke about how some of the condominiums leave furniture outside the buildings to be picked up a day or two later. She also spoke about the amount of trash outside the Best Western Hotel by the bus stop.

Town Manager Roger M. Carlton suggested having a workshop in March 2013. Vice Mayor Karukin suggested to have the workshop later on when the new Assistant Code Compliance officer has been hired. The Mayor suggested making it no later than April of this year. Commissioner Kligman asked the Manager to have the Points of Light reflect this information.

Item 41, Page 35 – Commissioner Graubart asked Yamileth Slate McCloud when the cutoff date is to accept resumes. Yamileth Slate-McCloud explained the process and stated that the advertisement had no closing date.

Commissioner Kligman made a motion to cut off the resumes on Tuesday, February 26, 2012. Vice Mayor Karukin seconded the motions. Motion passed 4-0 with Commissioner Olchyk absent from the dais.

Item 42, Page 35 – Commissioner Kligman would like the Administration to research the cost of doing a Special Transportation Service (STS) with the County as a way of getting our seniors to Mount Sinai Hospital or any other options available to our seniors.

Commissioner Graubart suggested to contact Bay Harbor and Bal Harbour and see how they serve their seniors and how they take them to Mt. Sinai Hospital.

Item 23, Page 35 – Commissioner Graubart would like to get updated and possibly a calendar with all of the stipulation and conditions that were supposed to be met and were part of the Surf Club Development Agreement. A consensus was reached that the Town Manager will make a presentation providing the information requested during the next Town Commission meeting.

Vice Mayor Karukin made a motion to approve the Consent Agenda. The motion received a second from Commissioner Olchyk and all voted in favor.

***D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney (Not Provided)
- Reconfirmation of the January 24, 2013 Quasi-Judicial Hearing to Consider
the Chateau Project.**

Interim Town Attorney Miriam Maer stated that the Town Commission direction during the December meeting was for her to work with staff and come to closure so that we get to the point where she can withdraw any recommendation for deferral. She stated that thanks to the professionalism and efforts of Sarah Sinatra, Elizabeth Hernandez and Matthew Barnes and subject to two (2) issues which are the disclosure of interest and public easement she no longer has any reasons to recommend deferral.

Commissioner Kligman made a motion to reaffirm Tuesday, January 24, 2013 at 7:00 p.m. as the scheduled date for the Quasi-Judicial Hearing to consider the Chateau Project. The motion received a second from Vice Mayor Karukin and all voted in favor.

- *E. **Projects Progress Report** – Calvin, Giordano and Associates, Inc.
- F. **Committee Reports** – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)
 - **November 5, 2012 Tourist Board Minutes**

- *G. **Certification of Charter Amendments Election Results – November 6, 2012** – Sandra Novoa, Town Clerk

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE CHARTER AMENDMENTS ELECTION HELD ON NOVEMBER 6, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

- *H. **Retroactive Approval of Expenditure of Forfeiture Funds to Replace Electronic Control Devices** – Chief of Police David Allen

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RETROACTIVELY PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$7,330.20 FROM THE FORFEITURE FUND TO PURCHASE SIX TASERS AND ACCESSORIES FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

- *I. **Purchase of a Replacement Parking Enforcement Truck** – Chief of Police David Allen

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE PURCHASE OF A PARKING ENFORCEMENT TRUCK FROM THE MUNICIPAL PARKING FUND FOR \$18,042 BUDGETED UNDER MUNICIPAL PARKING FUND ACCOUNT #402-9500-545-6410 FOR FY 2012/2013; PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

- J. **Amendment to the Miami Dade County Prisoner Processing Project Contract** – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE (“TOWN”), FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE AMENDMENT #1 TO THE FY 2013 CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE TOWN IN ORDER TO EXTEND THE MIAMI-DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE (MDCACP) PRISONER PROCESSING PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

4. Ordinances

(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

***1. Building Frontage Ordinance – Vice Mayor Michael Karukin**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Kligman made a motion to approve. Commissioner Graubart seconded the motion.

Vice Mayor Karukin presented the item.

Commissioner Graubart spoke on the item and stated that he would like to increase the set back and made a friendly amendment to change the maximum frontage to 250 feet.

Commissioner Graubart asked the Interim Town Attorney if a change in the Ordinance takes place, would the City have to re-advertise the item again. Interim Town Attorney Miriam Maer stated that the ordinance would have to go back to the Planning and Zoning Board.

Vice Mayor Karukin did not accept the friendly amendment.

The motion passed 4-1 with Commissioner Graubart voting in opposition.

Vice Mayor Karukin made a motion to direct staff to have this item be added to the Comprehensive evaluation to mitigate the construction of large structures. Commissioner Kligman seconded the motion and all voted in favor.

****The below public hearing discussion occurred after agenda item 5G.**

Town Clerk Sandra Novoa re-read the title of the ordinance.

Mayor Dietch opened the public hearing.

Seeing no one wishing to speak on this item, the Mayor closed the Public Hearing.

Vice Mayor Karukin made a motion to approve the Building Frontage ordinance.

Mayor Dietch seconded the motion. The motion passed 4-1 with Commissioner Graubart voting in opposition.

Mayor Dietch stated that this will be the official vote for this item and not the one previously done.

***2. Amending to Chapter 90 Planning & Zoning to Merge Function of DRB into P&Z Board Functions – Lynn Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" BY DISSOLVING THE DESIGN REVIEW BOARD AND CONSOLIDATING THE DESIGN REVIEW FUNCTION INTO THE EXISTING FUNCTIONS OF THE PLANNING AND ZONING BOARD, CHANGING MEMBERSHIP REQUIREMENTS FOR PLANNING & ZONING BOARD; AND PROVIDING FOR FILLING OF VACANCIES; INCLUDING A TRANSITIONAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance

Commissioner Kligman made a motion to accept. The motion received a second from Vice Mayor Karukin. The motion passed 5-0.

****The below public hearing discussion occurred after agenda item 5G.**

Town Clerk Sandra Novoa re-read the title of the ordinance.

Mayor Dietch opened the public hearing.

Seeing no one wishing to speak on this item, the Mayor closed the Public Hearing.

Vice Mayor Karukin made a motion to approve. The motion received a second from Mayor Dietch. The motion passed 5-0

Mayor Dietch stated that this will be the official vote for this item and not the one previously done.

3. Amendment to Lobbyist Registration and Adoption of Forms – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 OF THE CODE OF THE TOWN OF SURFSIDE RELATING TO LOBBYIST REGISTRATION AND; PROVIDING FOR DEFINITIONS; PROVIDING FOR ANNUAL EXPIRATION AND RENEWAL FOR LOBBYIST REGISTRATIONS; REQUIRING REGISTRATION OF PRINCIPALS; REQUIRING DISCLOSURE OF ANNUAL LOBBYIST EXPENDITURE BY JANUARY 15TH OF EACH YEAR; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance

Commissioner Kligman made a motion to accept. The motion received a second from Vice Mayor Karukin and all voted in favor.

(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

***1. Amendment to Short Term Rental Ordinance to Allow for Alternative Notice and Amendment to Paragraph References – Lynn Dannheisser, Town Attorney Page 133-137**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-41.1 “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOUSES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance

Vice Mayor Karukin made a motion for discussion purposes. The motion received a second from Commissioner Graubart.

Interim Assistant Town Attorney Sarah Johnston introduced the item and explained that the language in the ordinance needed to match the actual procedures of the Town for how the violations are noticed. This amendment clarified the ordinance to meet the goal.

The motion passed 5-0.

5. Resolutions and Proclamations

(Set for approximately 8:45 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Sensible Gun Law Resolution – Mayor Daniel Dietch**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) CALLING ON THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE MASS SHOOTINGS THROUGH PASSAGE OF: THE FIX GUN CHECKS ACT, WHICH WOULD REQUIRE A BACKGROUND CHECK FOR EVERY GUN SALE AND ENSURE THAT ALL CRIMINALS AND OTHER DANGEROUS PEOPLE WHO ARE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; AS WELL AS LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES OFF OUR STREETS, AND WOULD MAKE GUN TRAFFICKING A FEDERAL CRIME; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch presented the item to the Members of the Town Commission. Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.

***B. Business Improvement District Consultant Agreement – Duncan Tavares, TEDACS Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WAIVING THE COMPETITIVE BID PROCESS AND AUTHORIZING THE BUSINESS IMPROVEMENT DISTRICT ORGANIZATIONAL PLAN AGREEMENT WITH REDEVELOPMENT MANAGEMENT ASSOCIATES, INC.; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item. Duncan Tavares, TEDACS Director spoke on the item. Interim Assistant Town Attorney Sarah Johnston answered questions from the Town Commission. Commissioner Kligman made a motion to approve. The motion received a second from Mayor Dietch and all voted in favor.

***C. Retroactively Approving Sidewalk Staining – Bill Evans, Public Works Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AFTER THE FACT AWARD OF BID IN THE AMOUNT OF \$97,000 TO LYNX CONSTRUCTION LLC TO STAIN THE SIDEWALKS FROM 87TH STREET TO 96TH STREET ON BOTH EAST AND WEST SIDES OF COLLINS AVENUE FOR CONTINUITY IN THE COLOR OF THE SIDEWALKS THROUGHOUT THE TOWN OF SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton introduced the item.

Commissioner Graubart made a motion to approve. The motion received a second from Vice Mayor Karukin and all voted in favor.

***D. Resolution in Support of the League of Women Voters of Florida –**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PROCLAIMING SUPPORT OF THE LEAGUE OF WOMEN VOTERS OF FLORIDA REQUEST TO GOVERNOR RICK SCOTT AND THE FLORIDA LEGISLATURE FOR CREATION OF AN ELECTION REFORM TASK FORCE.

Commissioner Graubart introduced the item.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman and all voted in favor.

***E. Amendment to Settlement Agreement Between the Town of Surfside and Indian Creek Village – Roger M. Carlton, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE AMENDMENT TO THE SETTLEMENT AGREEMENT BETWEEN TOWN OF SURFSIDE AND INDIAN CREEK VILLAGE (“VILLAGE”), PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton introduced the item and thanked Commissioner Graubart for bringing this issue forward.

Commissioner Graubart asked when the final payment would be received.

Town Manager Roger M. Carlton stated that final payment will be received once the undergrounding project on 91st that it is being paid by the Surf Club is 50 percent complete.

Commissioner Graubart made a motion to approve. The motion received a second from Vice Mayor Karukin and all voted in favor.

***F. FDOT Sidewalk Lease Agreement – Duncan Tavares, TEDACS Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 93RD STREET TO 96TH STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Duncan Tavares, TEDACS Director presented the item to the Town Commission.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Graubart voting in opposition.

***G. Town Attorney – Mayor Daniel Dietch (TIME CERTAIN 9:00 P.M.)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TERMINATING THE EMPLOYMENT OF TOWN ATTORNEY LYNN M. DANNHEISSER PURSUANT TO SECTION 9.A. OF HER EMPLOYMENT AGREEMENT WITH THE TOWN; AUTHORIZING THE MAYOR TO ENTER INTO A SEPERATION AGREEMENT BETWEEN TOWN ATTORNEY LYNN M. DANNHEISSER AND THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch introduced the item.

Town Attorney Lynn Dannheisser read a prepared statement.

Brett J. Schneider, Special Labor Counsel to the Town explained the Separation Agreement to the Town Commission.

After much discussion, Vice Mayor Karukin made a motion to accept. The motion received a second from Commissioner Kligman. The motion carried 3-2 with Commissioner Graubart and Commissioner Olchyk voting in opposition.

Commissioner Olchyk suggested the Administration contact the League of Cities and ask them for an interim attorney for three months until the Town finds a new Town Attorney.

Vice Mayor Karukin made a motion to appoint Sarah Johnston as the Interim Town Attorney.

Commissioner Kligman stated that they should first ask Sarah or Linda rather than volunteering them. She said that if one of her colleagues has a strong opinion about not moving forward with an individual firm, she will respect that. She stated that she prefers to have someone in house rather than outside counsel.

Sarah Johnston stated that Linda and herself are both licensed Attorneys and they have both been working in the Attorney's office a long time and they can deal with most of the day to day issues and Agenda preparation.

Mayor Dietch made a friendly amendment to appoint Linda Miller as the Interim Town Attorney

Vice Mayor Karukin made a motion to appoint Sarah Johnston as the Interim Town Attorney temporarily. The motion received a second from Commissioner Olchyk.

Linda Miller from the Office of the Town Attorney asked for the opportunity to speak. She stated that she has been licensed in the State of Florida since 1994 and in the District of Columbia for 5 years. She opened the Town Attorney's office with Lynn in October of 2008. She sat on the Charter Review Board and has been in the Town five days a week and has worked very hard for the Town. She has the knowledge of who the office contracts with and the requirements of the office. She spoke about the Charter requirement of five years' experience to hire an attorney. She and Sarah have been working together for the Town and will be able to carry out those duties.

Mayor Dietch made a friendly amendment to appoint Linda Miller as the Interim Town Attorney and Sarah Johnston as the Interim Assistant Town Attorney until they decide what the next step is to find a Town Attorney. He suggested that Ms. Miller and Ms. Johnston as the first order of business find a land use attorney that could be present and up to speed on the January 24, 2013 Quasi-Judicial Hearing for the Chateau.

Commissioner Graubart made a suggestion to have an emergency meeting as soon as possible to discuss the issue.

Vice Mayor Karukin asked if there is any organization for Town Attorneys. Interim Town Attorney Miriam Maer stated that there is a national one that is the National Institute of Municipal Law Officers (NIMLO) and there are a few others like the Florida Municipal Attorneys Association. She announced that the City and County Local Government Law Section of the Florida Bar currently has 224 Certified Municipal Attorneys in the area. She also added that it was too late at night to contact anyone and that the Town needs an Attorney immediately.

Vice Mayor Karukin and Commissioner Olchyk accepted the Mayor's friendly amendment. The motion passed 4-1 with Commissioner Graubart in opposition.

Commissioner Graubart made a motion to have a Special Town Commission meeting as an emergency to set the recruitment process to hire an independent Town Attorney and or a firm. Commissioner Kligman seconded the motion.

Town Manager Roger M. Carlton asked what preparation or documents would be needed for this special meeting. Commissioner Graubart stated that the Town Commission would have to do some homework and engage the Town Attorney's office to help support this effort.

Mayor Dietch suggested identifying a night the following week through the Clerk.

Vice Mayor Karukin stated that they should direct the Town Attorney's office to prepare some proposals.

Mayor Dietch made a motion to direct the Town Attorney to coordinate with the Town Clerk to schedule an emergency meeting next week. Town Manager Roger M. Carlton asked for clarification on the motion to include that the Town Attorney is to engage a Land Use Attorney for next Thursday, January 24, 2013 Quasi-Judicial meeting since Miriam Maer would not be able to attend.

Town Clerk Sandra Novoa announced to the Town Commission that the only available date to hold the Special Emergency Commission meeting will be Tuesday, January 22, 2013 at 7:00 p.m.

Commissioner Graubart stated that the Commission is the only one that has the authority to set the pay for the Interim Town Attorney and Interim Assistant Town Attorney. Town Manager Roger M. Carlton stated that the Assistant's pay is set by the Town Attorney and there is money in the budget for that. He explained that they will have to set the salary for the Interim Town Attorney but that any adjustment they would like to do on the current compensation can be done retroactively from tonight and it doesn't have to be decided right at the moment.

Vice Mayor Karukin asked the Town Clerk to read the motion back.

The motion was for the Interim Town Attorney's office to engage a Land Use Attorney for the January 24, 2013 Quasi-Judicial Hearing and to schedule a Special meeting on Tuesday, January 22, 2013 to select a new Town Attorney. The motion received a second from Vice Mayor Karukin and all voted in favor.

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

Pablo Clausell spoke about the notice he received in regards to the Chateau project and he asked if the Town Attorney could provide him with the case law that she had previously mentioned. Mayor Dietch asked him to go speak to the Interim Town Attorney on the matter.

Peter Glynn spoke about his wishes for the Town Commission to prohibit plastic bags. Commissioner Graubart made a motion to make it a Point of Light. Commissioner Kligman seconded the motion. The motion passed 4-1 with Vice Mayor Karukin voting in opposition.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

***A. Downtown Streetscape Master Plan – Duncan Tavares, TEDACS Director**

Duncan Tavares, TEDACS Director presented the item.

Vice Mayor Karukin made a motion for discussion purposes. The motion received a second from Commissioner Kligman.

Vice Mayor Karukin asked how much of a possibility there is in FDOT closing the Town's sidewalk cafes.

Town Manager Roger M. Carlton stated that he has had numerous conversations with Gus Pego, District Engineer for FDOT and they are interested in receiving a share of our revenues.

The motion passed 4-1 with Commissioner Olchyk voting in opposition.

***B. Red Light Camera Legislative Urging – Mayor Daniel Dietch**

Item deferred

***C. Traffic Study (Please bring the Traffic Study book provided in December 2012) –**

Roger M. Carlton, Town Manager

Commissioner Graubart made a motion to defer.

Vice Mayor Karukin stated that this item has a lot of data and detail and he is afraid that if it is approved tonight, there will be components of the plan that he is not in agreement with.

Town Manager Roger M. Carlton suggested to make the item a time certain for next meeting to allow more time for discussion. The motion received a second from Vice Mayor Karukin and all voted in favor.

***D. FPL Undergrounding Status Report –Update - Roger M. Carlton, Town Manager**

Town Manager Roger M. Carlton provided an update on the item and stated that an ordinance on first reading will be presented in the near future.

Commissioner Graubart opined that a letter from the Mayor and the Commissioners should go out to FPL asking for an extension to make sure the Town has commitment from the telephone and cable companies. He also stated that there should be a cap on the project cost.

After some discussion Vice Mayor Karukin made a motion to direct the Town Manager to request an extension from FPL. The motion received a second from Commissioner Olchyk and all voted in favor.

E. Additional Deco Bike Rental Stations – Commissioner Joe Graubart

Duncan Tavares, TEDACS Director presented the item.

Commissioner Olchyk asked for the need for more bike stations. Vice Mayor Karukin stated that he is a user of the Deco Bikes and he loves it.

Duncan Tavares, TEDACS Director explained that there is no cost to the Town for having these stations and he explained that the Tourism season is just starting and now is when they will see the revenues go up.

Peter Filiberto spoke in favor of the item and ask the Town Commission to consider bike parking in the Downtown area.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart and all voted in favor.

Vice Mayor Karukin made a motion to extend the meeting 30 minutes. The motion received a second from Commissioner Kligman and all voted in favor.

***F. Outdoor Exercise Equipment – Commissioner Joe Graubart**

Commissioner Graubart presented the item.

Commissioner Kligman made a motion to approve for budget discussion during the FY 13/14 budget process. The motion received a second from Vice Mayor Karukin.

The motion passed 3-2 with Vice Mayor Karukin and Mayor Dietch voting in opposition.

- *G. Re-appointment of Commissioner Kligman as the Miami Dade County League of Cities (MDCLC) Liaison (VERBAL) – Roger M. Carlton, Town Manager**
Vice Mayor Karukin made a motion to re-appoint Commissioner Kligman to the Miami Dade County League of Cities. The motion was seconded by Commissioner Kligman and all voted in favor.
- *H. FEMA Flood Insurance Program – Commissioner Joe Graubart**
Eddie Rojas, Building Official provided an update on this item. No action required.

 - I. Agenda Items Deadlines for Commission – Commissioner Joe Graubart**
Commissioner Graubart presented the item.
No action taken by the members of the Town Commission.
- *J. Florida Constitutional Amendment 11 – Provides for Additional Tax Exemption from County and Municipality Taxes for Certain Qualified Seniors – Roger M. Carlton, Town Manager**
Town Manager Roger M. Carlton presented the item.
Vice Mayor Karukin made a motion not to provide the additional tax exemption which would cost more to implement than the savings to taxpayers. The motion received a second from Commissioner Graubart and all voted in favor.
- *K. Scholarship Program – Commissioner Marta Olchyk/Duncan Tavares, TEDACS Director**
Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Graubart and all voted in favor.
- *L. Additive Alternates to Utility Project – Decorative Street Signs– Bill Evans, Public Works Director**
Commissioner Olchyk made a motion to defer. The motion received a second from Vice Mayor Karukin. The motion passed 4-1 with Mayor Dietch voting in opposition.
- *M. Adoption of Priorities for 2013 Florida Legislative Session – Fausto Gomez, Town Lobbyist**
Commissioner Graubart made a motion to omit the legislative priority for park funding due to the State requirement that the Town could not limit access to Town residents only. The motion received a second from Commissioner Olchyk. The motion passed 4-1 with Mayor Dietch voting in opposition.
Commissioner Graubart made a motion to approve the rest of the 2013 Legislative priorities. The motion received a second from Vice Mayor Karukin and all voted in favor.
- *N. Bus Shelters – Commissioner Marta Olchyk**
Commissioner Olchyk wanted the residents to know that the Bus Shelters is not a crazy idea that she is after and is not a light issue to her. She would like for people to understand that for the last two years she has been told that three bus shelters had been ordered. She spoke about an email that she received from Miami Dade County in which they told her the bus shelters were only approved December 26, 2012 and there were only two of them ordered not three. All of this happened after she contacted the president of the company in charge of the project, the Miami Dade County Project Manager and the Miami Dade County Transit Director. Miami Dade County told her that it was partially the previous Town Manager's fault for not completing the proper documentation on time. She expressed how disrespected, offended and unconsidered

she felt about this issue. She was led to believe all along that the project was moving forward and on time when it was not. She stated that there are people that depend on her to raise their issues.

10. Adjournment

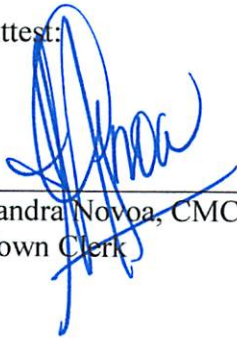
There being no further business to come before the Commission, the meeting adjourned at 12:35 am.

Accepted this 12th day of March, 2012



Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk